IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 14928 of 2004(B)

PETITIONER:

T.K. NARAYANAN, S/O. KRISHNAN,
SHINE NIVAS, PERUMANOOR P.O., COCHIN-15.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

RESPONDENTS:

1. DIRECTOR OF FISHERIES, TRIVANDRUM.

2. DEPUTY DIRECTOR OF FISHERIES,
ERNAKULAM.

3. SUB INSPECTOR OF FISHERIES,
VAIKOM.

4. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. BASANTH BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14928 of 2004(B)

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of partition deed No.4955/1965 dated 14.10.1965.

Ext.P2: True copy of licence fee paid by petitioner for half right dated 30.8.86.

Ext.P3: True copy of licence fee paid by petitioner for half right dated 30.8.1986.

Ext.P4: True copy of licence fee paid by petitioner for half right.

Ext.P5: True copy of licence fee paid by petitioner for half right.

Ext.P6: True copy of application forwarded by the 2nd respondent to the 1st respondent dated 10.10.2002.

Ext.P7: True copy of proceedings of the 1st respondent dated 20.2.2004.

// TRUE COPY //

P.A.TO JUDGE

KURIAN JOSEPH, J.

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W.P.(C)NO.14928 OF 2004

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Dated this the 30th day of March 2007

JUDGMENT

Writ petition is filed mainly with the following prayers:

i) to issue a writ of certiorari or any other appropriate writ, order or direction to quash Ext.P7 order.

ii)To issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to permit the petitioner to transfer the licence to Ernakulam district.

iii)Award the cost of these proceedings to the petitioners and

iv)grant such other and further reliefs as this Hon'ble Court may deem fit, and proper in the facts and circumstances of the case.

2. Petitioner is essentially aggrieved by Ext.P7 order passed by the Director of Fisheries. The contention of the petitioner is that it was not a question of obtaining licence on application but it is a question of transfer of the right in the family partition and hence there is no impediment for the petitioner in enjoying the benefit of licence thus transferred in

the family partition. This crucial aspect is not considered in Ext.P7.

This writ petition is hence disposed of as follows: I quash Ext.P7 with a direction to the first respondent to consider the issue afresh with notice to the petitioner and pass appropriate orders thereon in accordance with law.

KURIAN JOSEPH, JUDGE

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